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Attorneys for Plaintiff CLAUDIA BLAKE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CLAUDIA BLAKE,	) Case No.: C 07-4366 MHP ( <b>E-FILING</b> )
	)
Plaintiff,	) PLAINTIFF CLAUDIA BLAKE'S
	) <b><u>RE-NOTICE</u></b> OF MOTION AND
v.	) MOTION FOR REMAND BACK TO
	) STATE COURT AND REQUEST FOR
UNUMPROVIDENT CORPORATION, UNUM	) COSTS AND FEES (28 U.S.C. §§1332 and
CORPORATION, NEW ENGLAND MUTUAL	) 1447(c))
LIFE INSURANCE COMPANY, THE	)
COMMISSIONER OF THE CALIFORNIA	) DATE: Monday, November 19, 2007
DEPARTMENT OF INSURANCE and DOES 1	) TIME: 2:00 P.M.
through 20, inclusive	) DEPT: Courtroom 15
	) TRIAL DATE: Not Yet Set
Defendants.	)
	)
	)
	)

PLEASE TAKE **RE-NOTICE** that on Monday, November 19, 2007 at 2:00 P.M. or as soon thereafter as counsel may be heard in Courtroom "15" of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102, Plaintiff CLAUDIA BLAKE will and does hereby move the Court for remand of this matter back to State Court and for fees and costs incurred in obtaining them as a result of the removal.

1 The motion is made on the basis that, in their Notice of Removal, the removing parties fail  
2 to establish diversity of citizenship (28 U.S.C. 1332) and further, that the Notice of Removal is  
3 procedurally defective (28 U.S.C. 1447(c)). This motion is based upon this renote and motion, the  
4 attached memorandum of points and authorities, the declaration of Bennett M. Cohen, the pleadings  
5 on file in this action and upon such oral argument as shall be allowed at the hearing of this motion.

6 Dated: October 4, 2007

**BOURHIS & MANN**

7  
8 By: 

Ray Bourhis, Esq.

Lawrence Mann, Esq.

Bennett M. Cohen, Esq.

Attorneys for Plaintiff CLAUDIA BLAKE

**PROOF OF SERVICE***Claudia Blake v. Unumprovident Corporation, et al.**U.S. District Court, Northern District of California, Case No. C07-4366 MHP*

I am a resident of the State of California, over the age of eighteen years and not a party to this action. My business address is 1050 Battery Street, San Francisco, California 94111. On October 4, 2007, I will serve the following documents:

**RE-NOTICE OF MOTION AND MOTION FOR REMAND BACK TO STATE COURT**

in the manner as provided by Rule 5(b) of the Federal Rules of Civil Procedure by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. I am employed in the county where the mailing described below occurred, and am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I placed a true copy of the specified document(s) in a sealed envelope(s) with postage thereon fully prepaid. The envelope(s) will be deposited with the United States Postal Service on this day in the ordinary course of business in San Francisco, California.

**UNUM GROUP (formerly known as  
UNUMPROVIDENT CORPORATION)  
FIRST UNUM LIFE INSURANCE  
COMPANY (erroneously sued as UNUM  
CORPORATION) and NEW ENGLAND  
MUTUAL LIFE INSURANCE COMPANY**

John C. Ferry, Esq.

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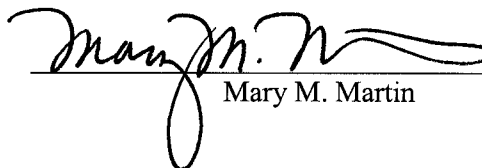
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**(X) (FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at San Francisco, California, on October 4, 2007.



Mary M. Martin